



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/697,299

10/31/2003

Sinikka Sarkkinen

061604-0251

9873

30542

7590

12/22/2009

FOLEY & LARDNER LLP

P.O. BOX 80278

SAN DIEGO, CA 92138-0278

EXAMINER

NGUYEN, KHAI MINH

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

12/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/697,299	Applicant(s) SARKKINEN ET AL.	
	Examiner KHAI M. NGUYEN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,9,13,14,37-48 and 55-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9, 13-14, 37-48, and 55-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/14/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 9, 13-14, 37-48, and 55-63 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1, 37, 55, and 63 have been amended.

XP clearly teaches receiving, at said network controlling device (see pg.18, fig.6; SGSN) a confirmation of authorized service activation from a subscriber control element (see pg.18, fig.6: GGSN) and establishing (see pg.17: section 7.1.1, fig.6), by said network controlling device (see pg.18, fig.6: GGSN, section 7.1.1, pg.25, fig.11, section 7.2.2.1), an association between said service context (BM-SC) and said terminal (UE) connection based on a network response to said service indication (see fig.6, pg. 17-18, section 7.1.1 confirms the establishment of the MBMS context if performed according to step 4), and the SGSN sends an Activate MBME context Accept to the UE, pg.25, fig.11, section 7.2.2.1: step 12).

Claim Rejections - 35 USC § 103

Art Unit: 2617

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 9, 13-14, 37-48, and 55-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Background of the invention (U.S.Pub-20040102212), in view of XP-002223634 (3GPP TR 23.846 0.4.0 (2002-01)).

Regarding claim 1, Background of the invention teaches a method, comprising:

broadcasting a service notification by a data network as a result of a network-initiated creation of a service context ([0004] transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area);

receiving, at a terminal ([0004] received by users), said service notification from said data network ([0004]) transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area, multimedia broadcast/multicast i.e. MBMS services can only be received by such users that are subscribed to a specific multicast/broadcast service);

setting up a terminal connection between said terminal (EU) and a network controlling device (RNC) in response to the receipt of said service notification at said terminal ([0004] and [0009]);

sending, by said terminal, a service indication via said terminal connection to the data network ([0009] detect those EUs which are requesting the MBMS service);

Background of the invention fails to specifically disclose receiving, at said network controlling device a confirmation of authorized service activation from a subscriber control element and establishing, by said network controlling device, an association between said service context and said terminal connection based on a network response to said service indication.

However, XP teaches receiving, at said network controlling device (see pg.18, fig.6; SGSN) a confirmation of authorized service activation from a subscriber control element (see pg.18, fig.6: GGSN) and establishing (see pg.17: section 7.1.1, fig.6), by said network controlling device (see pg.18, fig.6: GGSN, section 7.1.1, pg.25, fig.11, section 7.2.2.1), an association between said service context (BM-SC) and said terminal (UE) connection based on a network response to said service indication (see fig.6, pg. 17-18, section 7.1.1 confirms the establishment of the MBMS context if performed according to step 4), and the SGSN sends an Activate MBME context Accept to the UE, pg.25, fig.11, section 7.2.2.1: step 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Regarding claim 2, XP further teaches service indication is set in a dedicated service indication message (fig.11, section 7.2.2.1).

Regarding claim 3, XP further teaches service indication is sent in a message used for signaling a connection request or connection completion of said terminal connection (fig.11, section 7.2.2.1).

Regarding claim 4, Background of the invention teaches message is a radio resource control message ([0006] and [0009]).

Regarding claim 9, Background of the invention teaches service indication is sent in a direct transfer message ([0006] and [0009]).

Regarding claim 13, Background teaches terminal connection is a radio resource control connection ([0009] and [0010]).

Regarding claim 14, Background of the invention teaches service context is a multimedia broadcast multicast service context ([0009] and [0010]).

Regarding claim 37, Background of the invention teaches a method comprising:
issuing a service notification to at least one terminal as a result of a creation of a service context ([0004]), said creation being initiated by a data network ([0004]) transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area);

forwarding, by a network controlling device (RNC), a service indication received via a terminal connection to a node of the data network ([0009] the RNC should detect those UEs which are requesting the MBMS service and for which MBMS services the RNC has already generated corresponding MBMS contexts);

Background of the invention fails to specifically disclose receiving, at said network controlling device, a confirmation of authorized service activation from a subscriber control element; and establishing, by said network controlling device, an association between said service context and said terminal connection based on a network response to said service indication.

However, XP teaches receiving, at said network controlling device (see pg.18, fig.6; SGSN) a confirmation of authorized service activation from a subscriber control element (see pg.18, fig.6: GGSN) and establishing (see pg.17: section 7.1.1, fig.6), by said network controlling device (see pg.18, fig.6: GGSN, section 7.1.1, pg.25, fig.11, section 7.2.2.1), an association between said service context (BM-SC) and said terminal (UE) connection based on a network response to said service indication (see fig.6, pg. 17-18, section 7.1.1 confirms the establishment of the MBMS context if performed according to step 4), and the SGSN sends an Activate MBME context Accept to the UE, pg.25, fig.11, section 7.2.2.1: step 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Regarding claim 38, XP further teaches forwarding the service indication comprises forwarding an enhanced message from said network controlling device (fig.6 and 11, sections 7.1.1 and 7.2.2.1) to the network node having initiated said service context creation, said enhanced message requesting confirmation of authorization of the service of said service context (fig.6 and 11, sections 7.1.1 and 7.2.2.1).

Regarding claim 39, XP further teaches network response comprises said confirmation of authorized service activation (fig.6 and 11, sections 7.1.1 and 7.2.2.1).

Regarding claim 40, XP further teaches confirmation of authorized service activation is provided by said subscriber control element upon a joining phase for multicast activation (fig.6 and 11, sections 7.1.1 and 7.2.2.1).

Regarding claim 41, XP further teaches service indication is forwarded in a direct transfer message to a network node having initiated said service context creation (fig.6 and 11, sections 7.1.1 and 7.2.2.1).

Regarding claim 42, Background of the invention teaches network node is a serving general packet radio service support node ([0006]).

Regarding claim 43, Background of the invention teaches subscriber control element is a serving general packet radio service support node ([0006]), or a gateway general packet radio service support node ([0006]), or a network element controlled by a service provider ([0006]).

Regarding claim 44 is rejected same with the reasons of the set forth in claim 13.

Regarding claim 45 is rejected same with the reasons of the set forth in claim 14.

Regarding claim 46, XP further teaches establishing said association comprises adding said service indication into an active set of terminal connections (fig.6 and 11, sections 7.1.1 and 7.2.2.1) and generating an association between said terminal connection and said service context (fig.6 and 11, sections 7.1.1 and 7.2.2.1).

Regarding claim 47, XP further teaches releasing by said network controlling device, said terminal connection if said network response indicates that the service of said service context is not confirmed (fig.6 and 11, sections 7.1.1 and 7.2.2.1).

Regarding claim 48, XP further teaches a method according to claim 37, further comprising extracting said service indication from a connection request or connection complete message or from a dedicated message (fig.6 and 11, sections 7.1.1 and 7.2.2.1).

Regarding claim 55, Background of the invention teaches a network controlling device, said network controlling device comprising a processor configured to cause said network controlling device to:

issue a service notification to at least one terminal as a result of a creation of a service context ([0004]), said creation being initiated by a data network ([0004]) transmitted from a single source to multiple terminal devices or user equipments (UE) in the associated broadcast service area);

forward to said data network a service indication received via a terminal connection ([0009] the RNC should detect those UEs which are requesting the MBMS service and for which MBMS services the RNC has already generated corresponding MBMS contexts);

Background of the invention fails to specifically disclose receive from a subscriber control element a confirmation of authorized service activation; and establish

Art Unit: 2617

a link between the service context and the terminal connection based on a network response to said service indication.

However, XP teaches receive from a subscriber control element a confirmation of authorized service activation (see pg.18, fig.6: GGSN, section 7.1.1, pg.25, fig.11, section 7.2.2.1) and establish a link between the service context (BM-SC) and the terminal (UE) connection based on a network response to said service indication (see fig.6, pg. 17-18, section 7.1.1 confirms the establishment of the MBMS context if performed according to step 4), and the SGSN sends an Activate MBME context Accept to the UE, pg.25, fig.11, section 7.2.2.1: step 12).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of XP to Background of the invention to provide a method for using resources more efficiently.

Regarding claim 56 is rejected same with the reasons of the set forth in claim 48.

Regarding claim 57 is rejected same with the reasons of the set forth in claim 4.

Regarding claim 58 is rejected same with the reasons of the set forth in claim 9.

Regarding claim 59, Background of the invention teaches processor is configured to cause said network controlling device to forward said service indication in a radio access network application protocol message ([0009]).

Regarding claim 60, Background of the invention teaches radio access network application protocol message is an initial user equipment message ([0009]-[0010]).

Regarding claim 61, Background of the invention teaches processor is further configured to add said service indication into an active set of terminal connections and to generate an association between said terminal connection and said service context ([0009]-[0010]).

Regarding claim 62, Background of the invention teaches network controlling device is a radio network controller ([0006]).

Regarding claim 63, claim 63 substantially contains the same limitations as of the limitations of claims 1 and 37. Therefore, claim 63 is likewise rejected on the same grounds as of claims 1 and 37.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI M. NGUYEN whose telephone number is (571)272-7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on 571.272.7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Khai M Nguyen/
Examiner, Art Unit 2617

12/16/2009